

AMENDED IN ASSEMBLY JULY 16, 2007

AMENDED IN SENATE MAY 30, 2007

AMENDED IN SENATE APRIL 23, 2007

SENATE BILL

No. 650

Introduced by Senator Padilla

(Principal coauthor: Assembly Member Levine)

(Coauthor: Senator Kuehl)

(Coauthor: Assembly Member Krekorian)

February 22, 2007

An act to amend Section 35400 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 650, as amended, Padilla. Vehicles: maximum length: exceptions.

Existing law prohibits a vehicle operated on the highway from exceeding a length of 40 feet, except, among other things, an articulated bus or articulated trolley coach that does not exceed a length of 60 feet.

This bill would additionally allow an articulated bus or articulated trolley coach that does not exceed a length of 65 feet and is operated on a dedicated right-of-way, as defined, or is operated on a street or highway, under specified conditions, and the route is approved by a route review committee, as established by the bill.

The bill would require participation and consultation involving local public agencies, thereby imposing a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35400 of the Vehicle Code is amended
2 to read:
3 35400. (a) A vehicle may not exceed a length of 40 feet.
4 (b) This section does not apply to any of the following:
5 (1) A vehicle used in a combination of vehicles when the excess
6 length is caused by auxiliary parts, equipment, or machinery not
7 used as space to carry any part of the load, except that the
8 combination of vehicles shall not exceed the length provided for
9 combination vehicles.
10 (2) A vehicle, when the excess length is caused by any parts
11 necessary to comply with the fender and mudguard regulations of
12 this code.
13 (3) (A) An articulated bus or articulated trolley coach that does
14 not exceed a length of 60 feet.
15 (B) An articulated bus or articulated trolley coach described in
16 subparagraph (A) may be equipped with a folding device attached
17 to the front of the bus or trolley if the device is designed and used
18 exclusively for transporting bicycles. The device, including any
19 bicycles transported thereon, shall be mounted in a manner that
20 does not materially affect efficiency or visibility of vehicle safety
21 equipment, and shall not extend more than 36 inches from the front
22 body of the bus or trolley coach when fully deployed. The
23 handlebars of a bicycle that is transported on a device described
24 in this subparagraph shall not extend more than 42 inches from
25 the front of the bus.

1 (4) (A) An articulated bus or articulated trolley coach that does
2 not exceed a length of 65 feet and is operated as follows:

3 (i) On a dedicated right-of-way.

4 (ii) On a street or highway outside of the dedicated right-of-way
5 as long as the bus or coach is not operating in revenue service, is
6 traveling directly between the dedicated right-of-way and a storage
7 or maintenance facility, and its route is approved by a route review
8 committee established under subparagraph (C).

9 (B) For purposes of this paragraph, a “dedicated right-of-way”
10 means a right-of-way that is exclusively available for a public
11 transit bus or coach operating in revenue service that does not
12 exceed 65 feet in length, an authorized emergency vehicle, and a
13 transit maintenance vehicle. The right-of-way shall be physically
14 segregated from adjacent uses.

15 (C) (i) A route review committee, established under this
16 subparagraph, shall review the routes where a public agency
17 proposes to operate an articulated bus or an articulated trolley
18 coach pursuant to this paragraph.

19 (ii) The route review committee shall be comprised of one
20 member from the public agency appointed by the general manager
21 of the public agency; one member who is a traffic engineer and is
22 employed and selected by the public agency that has jurisdiction
23 over the largest proportional share of routes among all affected
24 agencies; and one member appointed by the labor organization
25 that is the exclusive representative of the bus drivers of the public
26 agency. If an exclusive representative of the bus drivers does not
27 exist, a bus driver member shall be chosen by a majority vote of
28 the bus drivers employed by that agency.

29 (iii) The members of the route review committee shall be
30 selected not more than 30 days after receipt of a public agency
31 proposal to operate an articulated bus or articulated trolley coach
32 under this paragraph. The review shall include a field review of
33 the proposed routes.

34 (iv) The purpose of the route review committee is to ensure the
35 safe operation of an articulated bus or articulated trolley coach
36 under this paragraph along an approved route between a dedicated
37 right-of-way and a storage or maintenance facility.

38 (v) The route review committee, by a unanimous vote, shall
39 make a determination of which routes are suitable for the safe

1 operation of the articulated bus or articulated trolley coach pursuant
2 to this paragraph.

3 (vi) The field review required under clause (iii) shall include
4 consultation with traffic engineers from affected public agencies
5 that have jurisdiction over segments of the route or routes under
6 review, to ensure coordination with all affected state and local
7 public road agencies that may potentially be impacted due to the
8 operation of an articulated bus or articulated trolley coach pursuant
9 to this paragraph.

10 (5) A semitrailer while being towed by a motortruck or truck
11 tractor, if the distance from the kingpin to the rearmost axle of the
12 semitrailer does not exceed 40 feet for semitrailers having two or
13 more axles, or 38 feet for semitrailers having one axle if the
14 semitrailer does not, exclusive of attachments, extend forward of
15 the rear of the cab of the motortruck or truck tractor.

16 (6) A bus or house car when the excess length is caused by the
17 projection of a front safety bumper or a rear safety bumper, or
18 both. The safety bumper shall not cause the length of the vehicle
19 to exceed the maximum legal limit by more than one foot in the
20 front and one foot in the rear. For the purposes of this chapter,
21 “safety bumper” means any device that is fitted on an existing
22 bumper or which replaces the bumper and is constructed, treated,
23 or manufactured to absorb energy upon impact.

24 (7) A schoolbus, when the excess length is caused by the
25 projection of a crossing control arm. For the purposes of this
26 chapter, “crossing control arm” means an extendable and retractable
27 device fitted to the front of a schoolbus that is designed to impede
28 movement of pupils exiting the schoolbus directly in front of the
29 schoolbus so that pupils are visible to the driver while they are
30 moving in front of the schoolbus. An operator of a schoolbus shall
31 not extend a crossing control arm while the schoolbus is in motion.
32 Except when activated, a crossing control arm shall not cause the
33 maximum length of the schoolbus to be extended by more than 10
34 inches, inclusive of any front safety bumper. Use of a crossing
35 control arm by the operator of a schoolbus does not, in and of
36 itself, fulfill his or her responsibility to ensure the safety of students
37 crossing a highway or private road pursuant to Section 22112.

38 (8) A bus, when the excess length is caused by a device, located
39 in front of the front axle, for lifting wheelchairs into the bus. That

1 device shall not cause the length of the bus to be extended by more
2 than 18 inches, inclusive of any front safety bumper.

3 (9) A bus, when the excess length is caused by a device attached
4 to the rear of the bus designed and used exclusively for the
5 transporting of bicycles. This device may be up to 10 feet in length,
6 if the device, along with any other device permitted pursuant to
7 this section, does not cause the total length of the bus, including
8 any device or load, to exceed 50 feet.

9 (10) A bus operated by a public agency or a passenger stage
10 corporation, as defined in Section 226 of the Public Utilities Code,
11 used in transit system service, other than a schoolbus, when the
12 excess length is caused by a folding device attached to the front
13 of the bus which is designed and used exclusively for transporting
14 bicycles. The device, including any bicycles transported thereon,
15 shall be mounted in a manner that does not materially affect
16 efficiency or visibility of vehicle safety equipment, and shall not
17 extend more than 36 inches from the front body of the bus when
18 fully deployed. The handlebars of a bicycle that is transported on
19 a device described in this paragraph shall not extend more than 42
20 inches from the front of the bus. A device described in this
21 paragraph may not be used on a bus that, exclusive of the device,
22 exceeds 40 feet in length or on a bus having a device attached to
23 the rear of the bus pursuant to paragraph (8).

24 (11) (A) A bus of a length of up to 45 feet when operating on
25 those highways specified in subdivision (a) of Section 35401.5.
26 The Department of Transportation or local authorities, with respect
27 to highways under their respective jurisdictions, may not deny
28 reasonable access to a bus of a length of up to 45 feet between the
29 highways specified in subdivision (a) of Section 35401.5 and points
30 of loading and unloading for motor carriers of passengers as
31 required by the federal Intermodal Surface Transportation
32 Efficiency Act of 1991 (Public Law 102-240).

33 (B) A bus operated by a public agency and on those highways
34 specified in subparagraph (A) may be equipped with a folding
35 device attached to the front of the bus that is designed and used
36 exclusively for transporting bicycles. The device, including all
37 bicycles transported thereon, may be mounted in a manner that
38 does not materially affect efficiency or visibility of vehicle safety
39 equipment, and may not extend more than 36 inches from the front
40 body of the bus when fully deployed. The handlebars of a bicycle

1 that is transported on a device described in this subparagraph may
2 not extend more than 42 inches from the front of the bus. The total
3 length of the bus, including the folding device or load, may not
4 exceed 48.5 feet. A Route Review Committee, established under
5 this subparagraph, shall review the routes where a public agency
6 proposes to operate a 45-foot bus equipped with a front mounted
7 bicycle rack. The Route Review Committee shall be comprised of
8 one member from the public agency appointed by the general
9 manager of the public agency; one member who is a traffic engineer
10 and is employed and selected by the public agency that has
11 jurisdiction over the largest proportional share of routes among
12 all affected agencies; and one member appointed by the labor
13 organization that is the exclusive representative of the bus drivers
14 of the public agency. If there is no exclusive representative of the
15 bus drivers, a bus driver member shall be chosen by a majority
16 vote of the bus drivers employed by the agency. The members of
17 the Route Review Committee shall be selected not more than 30
18 days after receipt of a public agency proposal to equip a 45-foot
19 bus with a front mounted bicycle rack. The review shall include a
20 field review of the proposed routes. The purpose of the Route
21 Review Committee is to ensure the safe operation of a 45-foot bus
22 that is equipped with a front mounted bicycle rack. The Route
23 Review Committee, by a unanimous vote, shall make a
24 determination of which routes are suitable for the safe operation
25 of a 45-foot bus that is equipped with a front mounted bicycle rack.
26 These determinations shall be consistent with the operating
27 requirements specified in subparagraph (A). It is the intent of the
28 Legislature that the field review required under this subparagraph
29 include consultation with traffic engineers from affected public
30 agencies that have jurisdiction over segments of the route or routes
31 under review, to ensure coordination with all effected state and
32 local public road agencies that may potentially be impacted due
33 to the operation of a 45-foot bus with a front mounted bicycle rack.
34 (12) (A) A house car of a length of up to 45 feet when operating
35 on the National System of Interstate and Defense Highways or
36 when using those portions of federal aid primary system highways
37 that have been qualified by the United States Secretary of
38 Transportation for that use, or when using routes appropriately
39 identified by the Department of Transportation or local authorities,
40 with respect to highways under their respective jurisdictions.

1 (B) A house car described in subparagraph (A) may be operated
2 on a highway that provides reasonable access to facilities for
3 purposes limited to fuel, food, and lodging when that access is
4 consistent with the safe operation of the vehicle and when the
5 facility is within one road mile of identified points of ingress and
6 egress to or from highways specified in subparagraph (A) for use
7 by that vehicle.

8 (C) As used in this paragraph and paragraph (10), “reasonable
9 access” means access substantially similar to that authorized for
10 combinations of vehicles pursuant to subdivision (c) of Section
11 35401.5.

12 (D) An access route established by a local authority pursuant
13 to subdivision (d) of Section 35401.5 is open for access by a house
14 car of a length of up to 45 feet. In addition, local authorities may
15 establish a process whereby access to services by house cars of a
16 length of up to 45 feet may be applied for upon a route not
17 previously established as an access route. The denial of a request
18 for access to services shall be only on the basis of safety and an
19 engineering analysis of the proposed access route. In lieu of
20 processing an access application, local authorities, with respect to
21 highways under their jurisdiction, may provide signing, mapping,
22 or a listing of highways, as necessary, to indicate the use of these
23 specific routes by a house car of a length of up to 45 feet.

24 (c) The Legislature, by increasing the maximum permissible
25 kingpin to rearmost axle distance to 40 feet effective January 1,
26 1987, as provided in paragraph (4) of subdivision (b), does not
27 intend this action to be considered a precedent for any future
28 increases in truck size and length limitations.

29 (d) A transit bus equipped with a folding device installed on or
30 after January 1, 1999, that is permitted under subparagraph (B) of
31 paragraph (3) of subdivision (b) or under paragraph (9) of
32 subdivision (b) shall be additionally equipped with any of the
33 following:

34 (1) An indicator light that is visible to the driver and is activated
35 whenever the folding device is in an extended position.

36 (2) Another device or mechanism that provides notice to the
37 driver that the folding device is in an extended position.

38 (3) A mechanism that causes the folding device to retract
39 automatically from an extended position.

1 (e) (1) A person may not improperly or unsafely mount a
2 bicycle on a device described in subparagraph (B) of paragraph
3 (3) of subdivision (b), or in paragraph (9) or (10) of subdivision
4 (b).

5 (2) Notwithstanding subdivision (a) of Section 23114 or
6 subdivision (a) of Section 24002 or any other provision of law,
7 when a bicycle is improperly or unsafely loaded by a passenger
8 onto a transit bus, the passenger, and not the driver, is liable for
9 any violation of this code that is attributable to the improper or
10 unlawful loading of the bicycle.

11 ~~SEC. 2. If the Commission on State Mandates determines that~~
12 ~~this act contains costs mandated by the state, reimbursement to~~
13 ~~local agencies and school districts for those costs shall be made~~
14 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
15 ~~4 of Title 2 of the Government Code.~~

16 *SEC. 2. No reimbursement is required by this act pursuant to*
17 *Section 6 of Article XIII B of the California Constitution because*
18 *this act provides for offsetting savings to local agencies or school*
19 *districts that result in no net costs to the local agencies or school*
20 *districts, within the meaning of Section 17556 of the Government*
21 *Code.*